

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0283

CONFERENCE COMMITTEE ENGROSSED NO. **HB 1037** - 2/29/2008

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding medical claims for
2 workers' compensation and to establish an administrative fine for delays regarding these
3 medical claims.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Within thirty days after receiving a properly submitted bill for medical payments, the
8 employer shall:

- 9 (1) Pay the charge or any portion of the bill that is not denied;
- 10 (2) Deny all or a portion of the bill on the basis that the injury is not compensable, or the
11 service or charge is excessive or not medically necessary; or
- 12 (3) Request additional information to determine whether the charge or service is
13 excessive or not medically necessary or whether the injury is compensable.

14 Section 2. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 An employer that fails, refuses, or neglects to comply with the provisions of section 1 of this
2 Act is subject to a administrative fine of five hundred dollars payable to the Department of
3 Labor for each act of noncompliance, unless the employer had good cause for noncompliance.
4 The department may promulgate rules pursuant to chapter 1-26 to establish standards for
5 medical bill submissions pursuant to section 1 of this Act.

6 Section 3. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Upon the request of an employer, an employee subject to this title shall supply a signed
9 medical release to allow copying of any medical record and report relevant to the employee's
10 claim for workers' compensation. If the employee objects to the relevance of any medical record
11 or report, an administrative law judge within the department shall, upon a showing of good
12 cause for the release of such record or report, approve the release of the medical record or report
13 relevant to the employee's claim, to the employer. The employer shall, upon request, provide a
14 copy of all medical records and reports received, to the employee, without cost to the employee.